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Agenda item 118

JOINT INSPECTION UNIT

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly his comments on the report of the Joint Inspection Unit entitled "Management of buildings in the United Nations system" (JIU/REP/92/9; and A/49/560, annex).

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ANNEX

Comments of the Secretary-General

I. GENERAL

1. The Inspectors' findings and observations contained in document A/49/560, annex, mostly coincide with the Secretary-General's views on the subject expressed at length in his earlier report on facilities management (A/45/796). The fact that the analysis contained in the latter is not referred to and invoked in the report of the Joint Inspection Unit (JIU) is a regretful oversight.

2. As explained in paragraph 15 of document A/45/796, historically, several interrelated factors have combined to produce a relatively low level of funding for programmes of preventive maintenance and repair. During periods of severe financial constraint, maintenance is frequently one of the first areas targeted for reduced or deferred expenditure. Consequently, serious problems arise when periods of reduced expenditures are not followed by periods of higher than normal expenditures. The tendency is that expenditures return only to normal levels at best, thus permanently deferring important aspects of the maintenance programme. Accumulation of deferred maintenance leads to breakdowns and eventually increases overall need for resources in order to take care of emergency repairs.

3. As further conveyed in paragraph 17 of document A/45/796, in contrast to the guideline target rates for annual expenditures on the maintenance of buildings at 1.8 to 2.0 per cent of the gross replacement cost of the structures, the effective annual rate for major maintenance expenditures on United Nations buildings in the biennium 1990-1991 was only 0.25 per cent, or about one eighth of the required amount. It was the Secretary-General's intention at the time to incorporate the programme of facilities management in the programme budget for the biennium 1992-1993. This, however, proved unattainable given the situation of financial austerity.

II. SPECIFIC COMMENTS

Recommendation one: maintenance of buildings

4. This recommendation addresses the essence of the problems faced by the buildings managers at Headquarters and other locations. As pointed out above, although budget programmes do foresee the funds for alteration and improvement programmes and for the major maintenance of buildings, allotments are authorized in truncated ways and are insufficient to meet vital needs. Managers are therefore forced to establish priorities and to cope first with operational activities. They are compelled to assign a lower priority to the maintenance of buildings, thus worsening the state of buildings and equipment.

5. Insufficient funding over the past four bienniums has resulted in the need to defer the frequency and scope of regular and preventive maintenance and the

postponement of much-needed upgrading and retrofitting of obsolete systems and equipment. With the dramatic increase over the years in the workload of the Secretariat and the accelerated introduction of advanced computer and communications equipment, the existing electrical and air-conditioning systems at Headquarters (which are over 40 years old) and other duty stations (for example, the air-conditioning in the Assembly Hall at Geneva was installed in 1935) are inefficient and can no longer support the current and future requirements of the Organization. Maintaining and repairing old equipment that has reached its maximum capacity is no longer practical, nor is it cost-effective. The Headquarters buildings and systems need to be totally refurbished in order to ensure their functionality for the next 25 years. The same situation prevails at other locations to varying degrees, Geneva being perhaps the most serious.

6. The recommendation of the Inspectors to consider the possibility of creating a building fund with necessary adjustments for local conditions could be useful at Headquarters and other locations as an interim solution to the problem of lack of adequate funding to cover costs related to emergency and unforseen repair and replacement projects caused by the ever-increasing failures and breakdown of the old systems. While there is a need to establish long-range planning to ensure the effective and efficient maintenance and operation of the facilities by implementing a comprehensive master plan to upgrade and retrofit the buildings in New York and other locations over at least a 12-year period of two consecutive medium-term plans, the building fund would ensure a bridge for adequate funding of maintenance and major repairs of the buildings until the completion, funding and implementation of the master plan. It is estimated that, at Headquarters, a replenishable fund of $1,000,000 annually would be required to fund these emergency projects. The Buildings Management Service of the Secretariat had already recommended this course of action during the preparation of the budget for the biennium 1992-1993; unfortunately it was not feasible to implement the projects owing to budgetary constraints.

Recommendation two: building construction and design

7. The Secretary-General agrees that it is essential for building managers to participate in the designing or remodelling of buildings so that their concerns are taken fully into account throughout the planning and construction process and, by and large, the planning, design and construction of facilities are indeed controlled by the Organization itself with the necessary input from its building managers. A case in point is the conference facilities of the Economic and Social Commission for Asia and the Pacific (ESCAP) at Bangkok, where the Organization's conference services staff and building managers were involved with the designers and the construction firms each step of the way. Similarly, the United Nations building managers are overseeing every aspect of the design and construction of the conference facilities being built in Addis Ababa.

Recommendation three: contractors vs. in-house staff

8. The Secretary-General fully concurs with this recommendation. A proper balance between the use of in-house staff and outside contractors for performing building services is essential for maintaining high standards of performance, reliability and cost-effectiveness. At Headquarters, this has been closely

observed over the last few years, with excellent results. Various maintenance functions have been regrouped and consolidated into a new category of trades and crafts personnel ("construction and repair workers"), which has provided for greater flexibility and increased performance of in-house staff. At the same time, selective maintenance tasks that were not being economically provided by in-house staff were contracted out, i.e., gardening, painting and moving. These contracts are monitored and supervised on a continuous basis by experienced United Nations personnel. It should be noted that, in addition to the services recently contracted out, cleaning, janitorial and electrical maintenance services continue to be provided by outside contractors as it has been proved over the years to be efficient and overall cost-effective. Furthermore, "hot lines" to register staff complaints have been a standard arrangement at Headquarters for many years. Three years ago, the Buildings Management Service enhanced this function by creating a subsidiary maintenance office in the United Nations Development Corporation's buildings (DC 1 and 2), where approximately half of the United Nations staff members in New York are located, to liaise with the landlord's maintenance personnel. As a result of instituting this liaison office, a dramatic improvement in the quality and frequency of the maintenance services provided by the landlord and its facilities managers was achieved.

Recommendation four: meetings of building managers

9. The Secretary-General concurs with the view of the Inspectors that scheduled meetings between building managers of the United Nations facilities world wide would definitely be advantageous. The sharing of information, problems and experiences in the various areas of buildings management is essential in the development of a comprehensive and integrated global approach to facilities management, which was called for in the medium-term plan for the period 1992-1997. This will not only result in an exchange of views and information on common areas of concern like contracting, insurance, security, new technology and technical training, it will also enhance management functions, stimulate economies of scale in the operation of the buildings and, as the Inspectors state, could result in cooperative arrangements among building managers in certain areas. Whether this arrangement becomes feasible, however, depends on the availability of resources.

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LAW OF THE SEA

Letter dated 13 November 1995 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to submit the text of a document related to the issue of transit and navigation in the Black Sea Straits (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 39.

(Signed) S. LAVROV

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Annex

[Original: Russian]

Navigation in the Black Sea Straits

Ensuring the safety of navigation in the Black Sea Straits is becoming, in the current circumstances, a matter of increasing urgency, since it is a major condition for avoiding accidents and incidents involving ships and preventing the related threat of pollution or other damage to the Straits and the adjacent coastal areas.

In this regard, we can only welcome the improvements in the organization and technical capacity of the Turkish coastal services and the adoption of rules that would help ensure such safety and facilitate international navigation through the Straits.

At the same time, the Maritime Traffic Regulations for the Turkish Straits and the Marmara Region, which were adopted by the Turkish Government and entered into force on 1 July 1994, go beyond the solution of technical problems related to ensuring safe navigation and do not conform to the provisions of the Convention regarding the regime of the Straits, adopted in Montreux in 1936, and other universally recognized norms of maritime law.

A number of articles of the Regulations provide for the introduction of procedures regulating passage through the Straits and of substantial restrictions, including the complete prohibition of such passage, for certain categories of vessels depending on their length, draught, cargo and so forth. Maritime traffic in the Straits may even be halted without sufficiently valid reasons. In some cases, the use of paid services, such as towing, has been made obligatory. The Regulations require vessels to provide information that is not stipulated in the Montreux Convention. The wording relating to transit is ambiguous, which gives room for arbitrary interpretation and the application of measures with respect to a vessel in transit through the Straits that should not be applied to it.

Irrespective of the various ways in which they may be interpreted, the Regulations, in accordance with articles 1 and 2 (d), are applicable to military vessels, in spite of the fact that customs and health inspections, penalties and other similar measures are incompatible with the international legal status of military vessels, which possess immunity.

At the same time, the Montreux Convention provides that "merchant vessels shall enjoy complete freedom of transit and navigation through the Straits, by day and by night, under any flag and with any kind of cargo, without any formalities", except for the sanitary control of merchant vessels entering the Straits and payment for optional services, such as pilotage and towage, rendered at the request of the agent or master of any such vessel.

In the light of the foregoing, one can only conclude that the basic provisions of the Montreux Convention have not been duly reflected in the

Regulations in spite of the fact that all Parties to the Convention, including Turkey, assumed the obligation to exercise the principle of freedom of transit and navigation by sea in the Straits in accordance with the provisions of the Convention (art. 1). Further, no account has been taken of the universally recognized norms of ordinary maritime law, which do not permit the creation of obstacles or the halting of transit through straits used by international shipping.

The above-mentioned position has been supported by such a competent intergovernmental organization as the International Maritime Organization (IMO). In May 1994, the IMO Maritime Safety Committee considered draft international rules on navigation in the Straits submitted by the Turkish side and in many respects repeating the Regulations. The Committee rejected the Turkish proposals, which sought to establish Turkish control over navigation in the Straits, and adopted the rules and recommendations based on the strict observance of the principle of the freedom of navigation through this international waterway. In particular, the Committee stressed that Turkey's national norms should conform fully with the rules and recommendations, which will enter into force in November 1995. In October 1994, the IMO Legal Committee reaffirmed this appeal to Turkey.

The document of the Black Sea Economic Cooperation Working Group on Transport, adopted in June 1994 in Istanbul, also provides that documents adopted by a littoral State should respect the special regime of the Straits established by the Montreux Convention and should be in full conformity with IMO decisions.

One might have expected that Turkey would take steps to implement the IMO decisions. Unfortunately, in the year and a half that has elapsed since May 1994, Turkey has not deemed it necessary to do this. Turkey has also not responded to proposals to settle disputes through bilateral consultations. Instead, Turkish representatives limit themselves to the groundless assertion that, since the issuance in November 1994 of the instruction on the application of the Regulations, there are no longer any discrepancies between the Regulations and the IMO rules. However, although the instruction is more flexible, it is, unlike the Regulations, an administrative - and not a legislative - document, and not only can it not rescind the Regulations but it can itself at any time be made tougher or rescinded by a simple order of an administrative official.

In practice, Turkey's attempt to amend, on a unilateral basis, the regime of navigation in the Straits has already resulted in considerable economic loss as a consequence of the unjustified detention of vessels prior to their entry into the Straits, first and foremost for countries of the Black Sea littoral. As regards the Russian Federation, between 1 July 1994 and 30 September 1995, there have been 249 cases of detention of Russian vessels, which led to the loss of 1492 hours of operating time and the direct loss of more than $670,000, not considering lost profit, lost contracts and lateness penalties.

Turkey's attempt to introduce unilaterally its own rules for transit through the Straits can create an extremely dangerous precedent for international shipping in other geographical regions.

The United Nations General Assembly, as the body that coordinates and monitors the use of the world's oceans and seas in accordance with the provisions of the United Nations Convention on the Law of the Sea, should not disregard acts that contradict universally recognized principles and norms of international law. Strict adherence to the principle of the conscientious implementation of international obligations will, undoubtedly, help bring about an improvement in the situation regarding the Black Sea Straits and will speed up efforts to find a constructive solution to the problem of ensuring the safety of navigation in the Straits.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Financing and adequate staffing resources for the operations of the human rights treaty bodies

Report of the Secretary-General

1. In paragraph 12 of resolution 49/178 of 23 December 1994 on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, the General Assembly endorsed the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with that in mind: (a) reiterated its request that the Secretary-General provide adequate resources in relation to the various treaty bodies; and (b) requested the Secretary-General to report on the question to the General Assembly at its fiftieth session.

2. The present report is submitted in accordance with that resolution. It provides information on the increase in the workload associated with (a) the operations of the State reporting procedures of treaty bodies and on the number of staff assigned to provide substantive and technical support to them under those procedures, and (b) activities related to the individual complaints procedures under the Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, and staff assigned to provide substantive and technical support to the respective treaty bodies under these procedures.

(a) Activities related to State reporting procedures

3. The growth associated with treaty body operations under State reporting procedures is attributable primarily to the increase in ratifications of

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international human rights instruments, in meetings of the treaty bodies monitoring those instruments and of the chairpersons coordinating the treaty system, as well as the considerable modifications in the methods of work of the treaty bodies during the past five years resulting largely from the end of the cold war and the attendant increase in the scope of treaty body activities.

4. As at 30 June 1995, the Centre for Human Rights was responsible for monitoring human rights treaties that had been ratified by a total of 673 States (not including the International Convention on the Suppression and Punishment of the Crime of Apartheid, which had been ratified by a further 99 States and whose monitoring was suspended by the Commission on Human Rights in February 1995). The comparable number of ratifications on 30 June 1990 was 459. Annual meeting time for the various treaty bodies rose from 23 weeks in 1990 to 44 weeks in 1995. The five international human rights instruments with monitoring mechanisms currently supported by the Centre for Human Rights are the two International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

5. In 1990, the substantive support to the monitoring activities of human rights treaty bodies requested from the Secretariat consisted mainly in the preparation of draft annual reports of those bodies to the General Assembly and of analyses of approximately 10 country situations for the Human Rights Committee. In 1995, in addition to those tasks, activities entrusted by the treaty bodies to the Secretariat consist in: (i) the preparation of approximately 60 country files every year; (ii) the preparation of approximately 50 analyses of country situations every year for three human rights treaty bodies, namely, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child; (iii) the drafting of approximately 85 concluding observations on States reports considered by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child; (iv) assistance in the preparation of studies, manuals and the conduct of inquiries, in particular, those decided upon by the Committee against Torture, as well as the participation in fellowship programmes, training courses and other programmes of technical assistance relating to the monitoring of international human rights instruments.

6. The staff assigned, in 1990, to research and other support activities of the State reporting procedures of human right treaty bodies consisted of six Professional and four General Service staff; in 1995, it consists of 11 Professional and six General Service staff, including a documentalist.

(b) Activities related to individual complaints procedures

7. In addition to the servicing of treaty-based State reporting procedures, the Centre for Human Rights is also responsible for the servicing of the following treaty-based communications procedures: (i) that under the Optional Protocol to the International Covenant on Civil and Political Rights; (ii) under article 22 of the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Punishment; and (iii) under article 14 of the International

Convention on the Elimination of All Forms of Racial Discrimination. By 30 June 1995, 84 States parties had ratified or acceded to the Optional Protocol (51 as of December 1990); 36 had accepted the competence of the Committee against Torture under article 22 of the Convention (25 as of December 1990); and 22 had accepted the competence of the Committee on the Elimination of Racial Discrimination under article 14 of the Convention (14 as of December 1990). Registered communications now relate to some 50 States parties, compared with 32 in December 1990. With the increased State acceptance of the procedures in question, communications may now be expected to be received in some 36 languages, compared with 16 in December 1990.

8. As in the work carried out under State reporting procedures, the increased number of States parties that have acceded to or accepted individual complaints procedures, and the increased public awareness of the existence of these procedures, has generated a steady increase in the volume and complexity of work carried out under these procedures. While the work involved correspondence with petitioners, their legal counsels and the Governments concerned in some 300 cases in 1990, it is envisaged that some 700 cases will have to be attended to in 1995. This includes correspondence in respect of formally registered cases and correspondence in cases not yet registered for consideration. In 1990, the work involved the drafting of 179 documents amounting to some 1,135 pages, compared with 257 documents of 1,989 pages in 1994. This volume of documentation will have increased further at the end of 1995.

9. The documentation drafted by the Secretariat for the treaty bodies under existing complaints procedures consists of: (i) confidential lists of communications containing detailed summaries of the complaints as initially submitted; (ii) working documents (fact sheets) containing the salient features of subsequent submissions from petitioners, their counsels and the States parties, as each case progresses through the procedure; (iii) draft recommendations on the course of action to be taken by the treaty body concerned in each case at the various steps in the procedure; (iv) draft decisions on admissibility and draft decisions on the merits of the claims, containing legal analysis of the issues raised and proposals for remedial action to be taken by States parties when violations are established; (v) reports on specific legal issues that may arise in the interpretation of particular treaty provisions, based on research into the travaux préparatoires of the treaty in question and the contemporary application of international human rights law in the light of the Vienna Convention on the Law of Treaties; (vi) draft additional rules of procedure, as may be required in the evolution of the work carried out by treaty bodies; and (vii) draft reports on the compliance by Governments with the decisions taken in concluded cases (follow-up reports). In addition, the Secretariat is expected to compile and edit one volume per year of the case law of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights.

10. The substantive services rendered to treaty bodies at their closed meetings during examination of individual complaints include the presentation of case files and the legal arguments of the petitioners and the Governments concerned, as well as up-to-date case law briefings, to permit consistency in action and evolution of practice when circumstances so warrant.

11. For their work performed under existing complaints procedures, the treaty bodies are at present serviced by four Professional and three General Service staff, including a specialized documentation clerk, compared with three Professional and three General Service staff in 1990.

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Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 13 November 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 9 November 1995 addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex to which is attached the statement made by His Excellency Mr. Atay A. Raşit, Minister of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, could be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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ANNEX

Letter dated 9 November 1995 from Mr. Osman Ertuğ addressed to the Secretary-General

With reference to the letter addressed to you by the Greek Cypriot Representative to the United Nations dated 3 November 1995 (A/50/730-S/1995/935), regarding the section on the question of Cyprus from the final communiqué of the Eleventh Conference of Heads of State or Government of the Movement of Non-Aligned Countries held at Cartagena, Colombia, from 18 to 20 October 1995, I have the honour to enclose herewith the text of a relevant statement made by Mr. Atay A. Raşit, Minister of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus.

I should be grateful if you could have the present letter and its appendix circulated as a document of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Statement of 31 October 1995 by Mr. Atay A. Pasit, Minister of Foreign Affairs and Defence

The paragraph on Cyprus of the Declaration issued at the end of the Eleventh Conference of Heads of State and Government of the Movement of Non-Aligned Countries, held at Cartagena, Colombia, from 18 to 20 October 1995, is totally one-sided. Decisions taken in the absence of the Turkish Cypriots, whose political equality has also been confirmed by relevant Security Council resolutions, are not binding on the Turkish Republic of Northern Cyprus and its people. The 1960 Republic of Cyprus, of which the Turkish Cypriots are co-founder partners, was destroyed by force of arms in order to turn the island into a colony of Greece, and there has been no joint government in Cyprus representing the whole of the island for over 30 years. Hence, this text, which has been prepared solely on the basis of the views of the Greek Cypriot side, serves no other purpose than distorting the realities of Cyprus and misleading world public opinion.

In the said Declaration, the Cyprus question is misrepresented as a question of "invasion", thereby glossing over the fact that it is the Greek Cypriot side which is responsible for the division of the island. In actual fact, the Turkish forces, which put an end to the Greek invasion of Cyprus and saved Cyprus from being colonized, are here legally. No blood has been shed in Cyprus since the legitimate intervention undertaken by Turkey in accordance with the Treaty of Guarantee of 1960; the two communities have accepted a bi-zonal solution; and such bi-zonality has actually materialized.

It also appears from the Declaration that the Greek Cypriot side has managed to manipulate the Non-Aligned Movement so that an extract taken from a premature report dated 30 May 1995, which was released while negotiations on the Confidence-Building Measures (CBMs) were still continuing and which in any case does not correctly reflect the developments, has been inserted into the text. This shows that the Greek Cypriot side will resort to any deception in order to mislead the world public opinion. It is quite obvious which side has accepted the Confidence-Building Measures (CBMs) package and which side has pushed it aside, evading the negotiating table.

In this connection, I would like to reiterate several points: the solution to the Cyprus question must be sought through negotiations between the two equal communities. Outside interference in the negotiating process will be harmful, not helpful to it. As it will also be seen from recent developments, it is the Greek Cypriot side which has evaded the negotiating table. The efforts to drag the Cyprus issue to other platforms and, in this context, to make the Non-Aligned Movement a party to the issue, are an indication that the Greek Cypriot side is not for reconciliation. The unilateral application it has made to the European Union is also nothing but an escape route for the Greek Cypriot side from the search for a negotiated solution.

At a time when it was expected that members of the Non-Aligned Movement would act more fairly, constructively and responsibly at this critical stage of

the Cyprus dispute, we have witnessed that with this kind of one-sided interference in the issue, they achieved nothing but supporting the intransigent attitude of the Greek Cypriot side. It is clear that a one-sided approach which ignores the realities of Cyprus, especially when the Secretary-General of the United Nations is trying to revive the negotiating process, will not facilitate the search for a solution.

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THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 15 November 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and in addition to my letter dated 6 October 1995 addressed to the President of the Security Council (S/1995/843), I have the honour to enclose the text of the basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium, signed between the Government of the Republic of Croatia and the local Croatian Serb authorities in Eastern Slavonia on 12 November 1995 in Croatia.

I would kindly request your assistance in distributing this letter and its annex as a document of the General Assembly under agenda item 92, and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

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Annex

Basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium

The Parties agree as follows:

1. There will be a transitional period of 12 months which may be extended at most to another period of the same duration if so requested by one of the parties.

2. The United Nations Security Council is requested to establish a Transitional Administration, which shall govern the region during the transitional period in the interest of all persons resident in or returning to the region.

3. The United Nations Security Council is requested to authorize an international force to deploy during the transitional period to maintain peace and security in the region and otherwise to assist in implementation of this agreement. The region shall be demilitarized according to the schedule and procedures determined by the international force. This demilitarization shall be completed not later than 30 days after deployment of the international force and shall include all military forces, weapons and police, except for the international force and for police operating under the supervision of, or with the consent of, the Transitional Administration.

4. The Transitional Administration shall ensure the possibility for the return of refugees and displaced persons to their homes of origin. All persons who have left the region or who have come to the region with previous permanent residence in Croatia shall enjoy the same rights as all other residents of the region. The Transitional Administration shall also take the steps necessary to re-establish the normal functioning of all public services in the region without delay.

5. The Transitional Administration shall help to establish and train temporary police forces, to build professionalism among the police and confidence among all ethnic communities.

6. The highest levels of internationally recognized human rights and fundamental freedoms shall be respected in the region.

7. All persons have the right to return freely to their place of residence in the region and to live there in conditions of security. All persons who have left the region or who have come to the region with previous permanent residence in Croatia have the right to live in the region.

8. All persons shall have the right to have restored to them any property that was taken from them by unlawful acts or that they were forced to abandon and to just compensation for property that cannot be restored to them.

9. The right to recover property, to receive compensation for property that cannot be returned and to receive assistance in reconstruction of damaged property shall be equally available to all persons without regard to ethnicity.

10. Interested countries and organizations are requested to take appropriate steps to promote the accomplishment of the commitments in this agreement. After the expiration of the transition period and consistent with established practice, the international community shall monitor and report on respect for human rights in the region on a long-term basis.

11. In addition, interested countries and organizations are requested to establish a commission, which will be authorized to monitor the implementation of this agreement, particularly its human rights and civil rights provisions, to investigate all allegations of violations of this agreement, and to make appropriate recommendations.

12. Not later than 30 days before the end of the transitional period, elections for all local government bodies, including for municipalities, districts and counties, as well as the right of the Serbian community to appoint a joint council of municipalities, shall be organized by the Transitional Administration. International organizations and institutions (e.g. the Organization for Security and Cooperation in Europe, the United Nations) and interested States are requested to oversee the elections.

13. The Government of the Republic of Croatia shall cooperate fully with the Transitional Administration and the international force. During the transitional period the Croatian Government authorizes the presence of international monitors along the international border of the region in order to facilitate free movement of persons across existing border crossings.

14. This Agreement shall enter into force upon the adoption by the United Nations Security Council of a resolution responding affirmatively to the requests made in this agreement.

DONE this twelfth day of November 1995.

SIGNED:

Milan MILANOVIC
Head, Serb Negotiating Delegation

Hrvoje SARINIC
Head, Croatian Government Delegation

WITNESSED:

Peter W. GALBRAITH
United States Ambassador

Thorvald STOLTENBERG
United Nations Mediator

Thorvald STOLTENBERG
United Nations Mediator

Peter W. GALBRAITH
United States Ambassador